## REMARKS

Claims 1-24 are all the claims pending in the application. Claims 21-22 have been rejected under 35 U.S.C. § 101. Claims 1-24 have been rejected on prior art grounds.

### I. Formal Matters

Applicant thanks the Examiner for initialing and returning the PTO SB/08 Form submitted with the Information Disclosure Statement of March 24, 2004, indicating that the documents cited therein have been considered. Applicant also thanks the Examiner for indicating acceptance of the drawings filed on March 24, 2004, and for acknowledging the foreign priority claim and receipt of the priority document.

### II. Claim Rejection under 35 U.S.C. § 101

Claims 21 and 22 have been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicant has amended claims 21 and 22 in a manner believed to overcome the rejection, and respectfully requests the Examiner to withdraw the rejection of claims 21 and 22 under 35 U.S.C. § 101.

### III. Claim Rejection under 35 U.S.C. § 102(e) over U.S. Patent No. 6,373,948 to Wool ("Wool")

Claims 1-7, 12, 13 and 15-24 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Wool.

#### A. Claim 1

Applicant submits that claim 1 is patentable over Wool. For example, claim 1 recites, *inter alia*, "a unit which divides a contents into a first portion and a second portion." On the

other hand, Wool teaches a system in which encrypted programming content is transmitted by a service provider using a head-end server to a set-top terminal. *See* Wool at col. 2, lines 53-60. The set-top terminal of Wool receives entitlement information periodically from the head-end, corresponding to one or more packages of programs the customer is entitled to for a given period. *See* Wool at col. 2, lines 60-64.

Specifically, the Examiner maintains that the entitlement information of Wool corresponds to the claimed first portion of a contents. *See* Office Action at page 3; Wool at Fig. 3. The Examiner further maintains that the package of programs purchased by the customer taught by Wool corresponds to the claimed second portion of a contents. *See* Office Action at page 3; Wool at col. 3, lines 26-44. However, "[i]n addition to transmitting the encrypted program, the head-end server preferably transmits the program identifier, p, to the set-top terminal. The set-top terminal uses the received program identifier, p, together with the stored entitlement information to derive the decryption key necessary to decrypt the program." *See* Wool at col. 2, line 67 to col. 3, line 5. In other words, the encrypted program, which the Examiner analogizes to the claimed second portion of the contents, and the entitlement information, which the Examiner analogizes to the claimed first portion of the contents, are separate data portions. The encrypted program is transmitted from the head-end server and the entitlement information is stored in the set-top terminal. Therefore, the encrypted program and the entitlement information are not part of the same contents such that the head-end server divides the contents into a first portion and second portion.

Thus, Wool fails to teach or suggest "a unit which divides a contents into a first portion and a second portion." Accordingly, Applicant submits that claim 1 is patentable over Wool for at least the foregoing reason.

**B. Claims 2-7 and 12-13**

Since claims 2-7 and 12-13 are dependent upon claim 1, Applicant submits that such claims are patentable over Wool at least by virtue of their dependency.

**C. Claims 15-24**

Since claims 15-24 contain features that are similar to the features discussed above in conjunction with claim 1, Applicant submits that such claims are patentable for at least similar reasons.

**IV. Claim Rejection under 35 U.S.C. § 103(a) over Wool in view of U.S. Patent No. 6,069,647 to Sullivan et al. ("Sullivan")**

Claims 8-11 and 14 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wool in view of Sullivan. Since claims 8-11 and 14 are dependent upon claim 1, and since Sullivan fails to cure the deficient teachings of Wool with regard to claim 1, Applicant submits that such claims are patentable over Wool and Sullivan at least by virtue of their dependency.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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